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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL ROBERT BERKA, II,

Defendant.

Case: 1:23-cr-20235  
Judge: Ludington, Thomas L.  
MJ: Morris, Patricia T.  
Filed: 04-19-2023  
INDI USA v. Randall Berka, II (tt)

Violations:

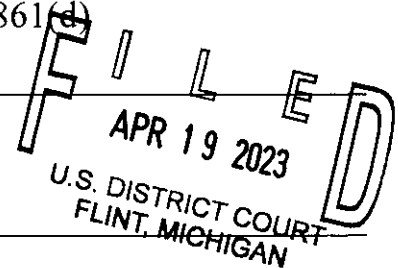
18 U.S.C. § 922(g)(4)

26 U.S.C. § 5861(d)

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**INDICTMENT**

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**THE GRAND JURY CHARGES:**

**COUNT ONE**

**POSSESSION OF A FIREARM BY A PROHIBITED PERSON**

**18 U.S.C. § 922(g)(4)**

On or about March 9, 2023, in the Eastern District of Michigan, RANDALL ROBERT BERKA, II, knowing he had been adjudicated a mental defective and having been committed to a mental institution, knowingly possessed, in and affecting commerce, a firearm, that is, a Galil, Model Ace Sar, .556 caliber rifle, a Kalashnikov, Model KS-12, 12 gauge shotgun, a Masada, Model 9S, 9mm caliber, semi-automatic pistol. and a Zatstava, Model Z-Pap M70, 7.62x39mm caliber rifle, in violation of Title 18, United States Code, Section 922(g)(4).

**COUNT TWO**  
**POSSESSION OF AN UNREGISTERED FIREARM**  
**26 U.S.C. § 5861(d)**

On or about March 9, 2023, in the Eastern District of Michigan, RANDALL ROBERT BERKA, II, knowingly possessed a short barrel rifle, that is, a semi-automatic rifle, containing a Fostech, Model Tech-15 lower receiver, and having a barrel of less than 16 inches in length as defined in 26 U.S.C. § 5845, which was not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Codes, Sections 5841, 5861(d) and 5871.

**FORFEITURE ALLEGATIONS**

The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1).

Upon conviction of an offense charged in Count One of this Indictment, RANDALL ROBERT BERKA, II, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), any firearm or ammunition involved in said offenses including but not limited to a Galil, Model Ace Sar, .556 caliber rifle, a Kalashnikov, Model KS-12, 12 gauge shotgun, a Masada, Model 9S, 9mm caliber, semi-automatic pistol. and a Zatstava, Model Z-Pap M70, 7.62x39mm caliber rifle.

The allegations in Count Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 26, United States Code, Section 5872.

Pursuant to Title 26, United States Code, Section 5872, upon conviction of an offense in violation of Title 26, United States Code, Section 5861, the defendant shall forfeit to the United States any firearms involved in or used in the knowing commission of the offense(s).

**THIS IS A TRUE BILL.**

*s/Grand Jury Foreperson*

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GRAND JURY FOREPERSON

Dated: April 19, 2023

DAWN N. ISON  
United States Attorney

*s/Anthony P. Vance*

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ANTHONY P. VANCE  
Assistant United States Attorney  
Chief – Branch Offices

*s/Katharine Hemann*

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**Companion Case information MUST be completed by AU**United States District Court  
Eastern District of Michigan**Criminal Case Cov**Case: 1:23-cr-20235  
Judge: Ludington, Thomas L.  
MJ: Morris, Patricia T.  
Filed: 04-19-2023  
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to comp

<b>Companion Case Information</b>	<b>Companion Case Number:</b>
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	<b>Judge Assigned:</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>AUSA's Initials:</b> KH

**Case Title:** USA v. Randall Robert Berka II**County where offense occurred:** Huron County**Check One:** ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**     Indictment/      Information --- no prior complaint.  x   Indictment/      Information --- based upon prior complaint [Case number:] **23-mj-30098**     Indictment/      Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information****Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

**Defendant name****Charges****Prior Complaint (if applicable)****Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

Date:, April 19, 2023

s/Katharine Hemann

Katharine Hemann

Assistant United States Attorney

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Attorney Bar #: WSBA# 46237

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.